

VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

TERRY DAVIS,

Plaintiff,

v.

At Law No. CU9-383

READY BUS COMPANY, INC.,

Serve:

Patrick O. Regan, RA

101 East 10th Street, #300

Hastings, MN 55033

AND

MINNESOTA COACHES, INC.,

Serve:

Patrick O. Regan, RA

101 East 10th Street, #300

Hastings, MN 55033

AND

TODD LAPEL,

Serve at:

1417 Main Street, Unit 177

Lansing, IA 52151

Defendants.

COMPLAINT

COMES NOW the Plaintiff, **TERRY DAVIS**, by counsel, and respectfully moves for judgment against the above-named Defendants on the grounds and in the amount as hereinafter set forth:

1. On or about May 17, 2017, at approximately 12:34 p.m., the Plaintiff, Terry

Davis, was operating a vehicle in a careful and prudent manner, traveling northbound on

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{00554607;v1}

EXHIBIT

A

South Hayes Street near the intersection with 15th Street South, in Arlington County, Virginia.

2. On or about the said time and place, Defendant Todd Lapel was operating a vehicle traveling southbound on South Hayes Street near the intersection with 15th Street South, in Arlington County, Virginia.

3. At or about the same time and place, Defendant Todd Lapel, was an employee of Ready Bus Company, Inc., and/or Minnesota Coaches, Inc., and was acting within the course and scope of his employment.

4. At or about the same time and place, Defendant Todd Lapel, was operating said vehicle as an agent and/or servant and/or employee of Defendants Ready Bus Company, Inc., and/or Minnesota Coaches, Inc..

5. At or about the same time and place, Defendant Todd Lapel, suddenly, without warning, ran a red light while attempting to turn left onto eastbound 15th Street, in front of the Plaintiff, causing Plaintiff's vehicle to strike Defendant's vehicle, causing serious injuries to the Plaintiff.

Count I
Negligence: Todd Lapel

Plaintiff incorporates, by reference, each and every allegation as set forth in paragraphs 1 through 5, inclusive, in the same force and effect as though they were herein fully and specifically set forth in detail, and further alleges as follows:

6. At said time and place, it was the duty of Defendant Todd Lapel, to use ordinary and reasonable care to keep the vehicle he was driving under proper control, to pay full time and attention to the operation of said vehicle, and/or to drive said vehicle in a reasonable, careful and prudent manner with due regard for the safety of others.

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7. Notwithstanding said duties, Defendant Todd Lapel did carelessly and negligently operate the vehicle he was driving so as to cause a collision with the Plaintiff's vehicle. The Defendant's negligent acts and/or omissions include, but are not limited to, the following:

- (a) failure to keep a proper lookout; and/or
- (b) failure to obey a traffic signal; and/or
- (c) failure to maintain his vehicle under proper control; and/or
- (d) failure to avoid the collision; and/or
- (e) failure to pay full time and attention to the operation of said vehicle; and/or
- (f) failure to obey the motor vehicle laws of the Commonwealth of Virginia and regulations; and/or
- (g) failure to operate the vehicle he was driving in a reasonable, careful, and prudent manner.

8. As a direct and proximate result of the negligence of Defendant Todd Lapel, as aforesaid, the Plaintiff was caused to sustain serious and permanent injuries; has suffered and will continue to suffer great pain of body and mind; has sustained permanent disability; has incurred and will incur in the future hospital, doctor, and other related bills in an effort to be cured of such injuries; and has been and will continue to be restricted in the conduct of his personal activities.

Count III
Negligence Per Se: Todd Lapel

9. Plaintiff incorporates, by reference, each and every allegation as set forth in paragraphs 1 through 8, inclusive, in the same force and effect as though they were herein fully and specifically set forth in detail, and further alleges as follows:

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10. Defendant Todd Lapel was, at all times relevant herein, operating a vehicle along the roadways of the Commonwealth of Virginia and was subject to the laws relevant to operating vehicles along public roadways and/or highways. Defendant Todd Lapel, at all times relevant herein:

- a. Failed to maintain proper control of his vehicle; and
- b. Failed to obey the red traffic signal.

11. The actions of Defendant Todd Lapel, listed in paragraph 7 above, were in violation of Virginia Code §46.2-833.

12. Section § 46.2-833 of the Code of Virginia, was enacted for the safety and benefit of motorists, a class to which the Plaintiff was a member.

13. As a direct and proximate result of Defendant Todd Lapel's violation of §46.2-833 of the Code of Virginia, the Plaintiff was caused to sustain serious physical injuries and permanent disability, has suffered and will continue to suffer a loss of wages and wage-earning capacity, has incurred and will incur in the future hospital, doctor, and other related bills in an effort to be cured of said injuries, and has suffered and will continue to suffer, great pain of body and mind:

COUNT V

**Respondeat Superior: Defendant Ready Bus Company, Inc. and/or
Minnesota Coaches, Inc.**

Plaintiff incorporates, by reference, each and every allegation as set forth in paragraphs 1 through 13, inclusive, in the same force and effect as though they were herein fully and specifically set forth in detail, and further alleges as follows:

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14. At all times relevant herein, Defendant Todd Lapel was acting as an agent and/or servant and/or employee in the course of and scope of his employment or agency with Defendant Ready Bus Company, Inc., and/or Minnesota Coaches, Inc.

15. Defendants Ready Bus Company, Inc., and/or Minnesota Coaches, Inc., are vicariously liable for all the acts of Defendant Todd Lapel, as alleged in the paragraphs of this Complaint on the basis of *respondeat superior*.

16. As a direct and proximate result of the negligence of Defendants Ready Bus Company, Inc., and/or Minnesota Coaches, Inc., by and through Todd Lapel, and vicariously, the actions of Defendant Ready Bus Company, Inc., and/or Minnesota Coaches, Inc., Terry Davis received injuries on May 17, 2017, causing her significant pain and suffering.

17. As a direct and proximate result of the negligence of Defendant Ready Bus Company, Inc., and/or Minnesota Coaches, Inc., by and through Defendant Todd Lapel, as aforesaid, Plaintiff was caused to sustain serious physical injuries, some or all of which are permanent; has incurred, and will incur in the future, substantial expenses for medical care and attention in an effort to be cured of said injuries; has suffered, and will continue to suffer, a loss of wages and of wage-earning capacity; and has suffered, and will continue to suffer, great pain of body and mind.

AD DAMNUM

WHEREFORE, the Plaintiff, Terry Davis, demands judgment against the Defendants, Ready Bus Company, Inc., and Minnesota Coaches, Inc., and Todd Lapel, jointly and severely in the full and just amount of \$500,000.00 (FIVE HUNDRED

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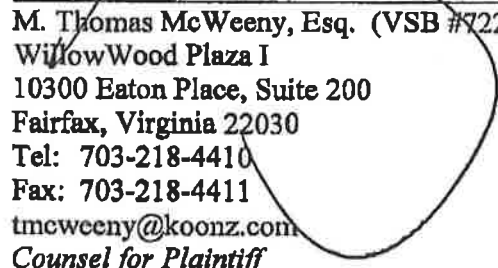
THOUSAND DOLLARS), plus costs on his behalf expended, and interest from the date of the negligence in this case, as allowed by law.

JURY TRIAL REQUEST

Plaintiff respectfully requests trial by jury.

TERRY DAVIS
By Counsel

KOONZ, MCKENNEY, JOHNSON, DePAOLIS & LIGHTFOOT



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